



Kirkpatrick & Lockhart Nicholson Graham LLP

State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950
617.261.3100
Fax 617.261.3175
www.klmg.com

May 10, 2006

Michael DeMarco

VIA CM/ECF

617.951.9111
Fax: 617.261.3175
mdemarco@klmg.com

The Honorable Magistrate Judge Marianne B. Bowler
United States District Court
For the District of Massachusetts
John Joseph Moakley U.S. States Courthouse
1 Courthouse Way
Suite 8420
Boston, MA 02210

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation MDL 1456

Dear Magistrate Judge Bowler:

As per our hearing yesterday, we have met and conferred with Gary S. Starr and Benjamin M. Wattenmaker, counsel for National Heritage Insurance Company, regarding our proposed Order on the Track Two Defendants' Renewed Motion to Compel National Heritage Insurance Company [Docket Entry No. 2162, as renewed in Docket Entry Nos. 2485/2498]. Following a brief discussion, we realized that the parties are unable to agree to any of the terms of the proposed Order. Therefore, we would ask this Honorable Court to grant the Track Two Defendants' Renewed Motion to Compel National Heritage Insurance Company and enter the proposed Order in the form attached hereto.

Very truly yours,

Michael DeMarco

MDM/AEB/gmf

cc: Gary S. Starr, Esq. (by e-mail)
Benjamin M. Wattenmaker, Esq. (via CM/ECF)